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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DENALI NICOLE SMITH, on behalf of
herself and others similarly situated,

Plaintiffs,

v.

MICHAEL DUNLEAVY, in his official
capacity of Governor of the State of
Alaska, KEVIN CLARKSON, in his
official capacity as Attorney General of
the State of Alaska, BRUCE
TANGEMAN, in his official capacity as
Commissioner of the State of Alaska,
Department of Revenue, ANNE WESKE,
in her official capacity as Director of the
Permanent Fund Division, State of
Alaska, Department of Revenue,

Defendants.

Case No. 3:19-cv-00298-HRH

DECLARATION OF REBECCA H. CAIN

I, Rebecca H. Cain, declare under penalty of perjury that the following is true and correct:

1. I am counsel of record for the Defendants and have knowledge of the facts contained in this declaration.

2. Plaintiff filed a motion for leave to amend her complaint. In that motion Plaintiff asks for leave to add three new plaintiffs.

3. Defendants filed an opposition to Plaintiff's motion for leave to amend.

4. In support of Defendants' opposition to the motion for leave to amend, Defendants provided copies of some documents from the new plaintiffs' PFD files and a declaration describing the processing of those plaintiffs' PFDs. These documents were identified as Exhibits A, B, and C.

5. Under state law, AS 43.23.110 and 15 AAC 23.253, PFD applications and information about individual's PFDs are protected from disclosure.

6. The parties have not yet agreed on a process for disclosing and filing protected documents.

7. Defendants moved to file the attachments under seal to preserve the protections and any expectation of privacy attached to the exhibits.

8. Filing under seal allows plaintiff and counsel access to those documents but restricts access to third parties. Because federal district court pleadings are readily available through PACER any protection that would attach to these documents would quickly be lost absent a request to file under seal.

9. Redacting the documents would not preserve the protection contemplated by the statute or regulation. Accordingly, Defendants move to file the documents under seal.

DATED: February 6, 2020.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By: /s/Rebecca H. Cain
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Declarations have the same legal force as affidavits. 28 U.S.C. § 1746.

Certificate of Service

I certify that on February 6, 2020 the foregoing declaration was served electronically on:

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